

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOEL CARTER (# 410324),

Plaintiff,

v.

MICHIGAN DEPT. OF CORRECTIONS, et
al.,

Defendants.

Case No. Case No. 12-12621

HONORABLE STEPHEN J. MURPHY, III

ORDER ADOPTING MAGISTRATE'S REPORT & RECOMMENDATION (docket
no. 18), **AND DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR A**
TEMPORARY RESTRAINING ORDER & PRELIMINARY INJUNCTION (docket no. 3)

On June 15, 2012, Joel Carter filed this civil rights action against the Michigan Department of Corrections, Haresh Pandya, and John and Jane Does 1-5 ("Defendants"). On the same day, Carter filed an ex parte motion for temporary restraining order and preliminary injunction. See ECF No. 3. The Court referred all pretrial matters to the magistrate judge, including the motion for temporary restraining order and preliminary injunction. See ECF No. 13. At present, none of the defendants has filed an appearance in the case. The magistrate judge issued a Report & Recommendation ("Report") recommending the Court deny Carter's motion for a temporary restraining order and preliminary injunction, without prejudice to Carter's right to refile the motion once an appearance by any Defendant has been entered, once an answer or responsive pleading by any Defendant has been filed, or once the due date for an answer or responsive pleading has passed. The matter is now before the Court for review of the magistrate judge's Report.

De novo review of a magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). A copy of the magistrate judge's Report was published to the docket and served upon Carter on January 10, 2013. Pursuant to Civil Rule 72(b)(3), the parties had fourteen days from that date in which to file any specific written objections to the recommended disposition. No objections have been filed, therefore de novo review of the magistrate's findings is not required. See Fed. R. Civ. P. 72(b)(3) (requiring de novo review by a district judge only for "any part of the magistrate judge's disposition that has been properly objected to").

The Court has reviewed the file and the Report, and agrees with the magistrate judge's analysis and conclusions.

WHEREFORE it is hereby **ORDERED** that the magistrate judge's Report and Recommendation of January 10, 2013 (docket no. 18) is **ACCEPTED** and **ADOPTED**.

IT IS FURTHER ORDERED that Carter's motion for temporary restraining order and preliminary injunction (docket no. 3) is **DENIED WITHOUT PREJUDICE**. Carter may refile his request for injunctive relief once an appearance by any Defendant has been entered, once an answer or responsive pleading by any Defendant has been filed, or once the due date for an answer or responsive pleading has passed

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 13, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 13, 2013, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager